

### **REMARKS**

Responsive to the final Office Action dated June 25, 2008 and the Advisory Action mailed September 23, 2008, the present amendment is being filed concurrently with a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 submitted contemporaneously herewith. In the present Office Action, claims 1-27 have been rejected. After entry of the present amendment, claims 1-27 remain pending in the application. The present amendment amends independent claims 1, 3, 5, 11, 13, 15, 18, 20, 24, and 26, to clarify the scope of the claimed inventions. Reconsideration of the application in view of the present amendment and following remarks is respectfully requested.

#### **Claim Rejection Under 35 U.S.C. § 103**

Claims 1-27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bogosian, et al., U.S. Patent No. 6,760,470 ("*Bogosian*"). The present amendment amends independent claims 1, 3, 5, 11, 13, 15, 18, 20, 24, and 26, to clarify the scope of the claimed inventions. For example, claim 1 has been amended to include the elements "the first check identifier identifying a negotiable instrument and the first check identifier comprising at least a portion of both an account number and a routing number; comparing one or more portions of the first check identifier with the incorrectly entered replacement symbols with checking account records stored in a database to determine whether the account number portion of the first check identifier matches an account number associated with one of the checking account records; if at least the account number portion of the first check identifier does not relate to one of the checking account records stored in the database, requesting that the user reenter the first check identifier in a non-automated manner thereby obtaining a second check identifier; ... if the account number portion of the first check identifier with the incorrectly entered replacement symbols relates to a checking account record stored in the database, accepting the first check identifier without requesting additional entry of check identifier information from the user in a non-automated fashion." Independent claims 3, 5, 11, 15, 18, 20, 24, and 26 have been similarly amended. Support for the amendment can be found in the Applicants' specification at least at paragraphs [0066] and [0067], which state in part:

[0066] The block 704 proceeds to a block 706. At the block 706, the data validation module uses the entered check identifier to search for account records stored in the account database 128 that have the same routing number 206 and account number 214 as the entered check identifier. In one embodiment, the routing number 206 and account number 214 within the entered check identifier are identified using the process of FIG. 5. As described above in connection with FIG. 1, the data validation module can be placed in a computer of the check processor 108, in a computer of the merchant 102, or in a computer of the customer 104. The data validation module can also be a set of business rules not embodied in a computer program.

[0067] Referring back to FIG. 7, the block 706 proceeds to a block 708. At the block 708, the data validation module determines whether an account record is found in the account database 128 that matches the routing number 206 and account number 214 of the entered check identifier. If a record is found, the entered check identifier is accepted as a correct entry, and the block 708 proceeds to an end block 716.

In contrast, *Bogosian* relates to the use of a checksum test to determine whether a series of digits, such as a bank routing number, is valid. *See* Col. 7, lines 15-18. After the checksum test is utilized, an optional filtering comparison with a routing number database 182 can be performed by *Bogosian*. *See* Col. 8, lines 29-36. Only after a candidate routing number is identified in a series of digits does *Bogosian* attempt to identify an account number in the series of digits. However, *Bogosian* is not believed to utilize a database with account numbers to compare the remaining series of digits to, but instead, *Bogosian* is believed to assume the account number exists if the checksum test is passed or otherwise runs a series of checksum tests to determine if the account number exists. *Id.*; and Col. 9, lines 17-20 ("Proceeding to state 630,

the marked MICR line resulting from state 620 is examined to see whether the account number entered in state 214 (i.e., the appropriate string of contiguous digits) is present.").

For at least the foregoing reasons, each and every element of amended independent claims 1, 3, 5, 11, 15, 18, 20, 24, and 26 are neither taught nor suggested by the cited reference, and therefore the amended independent claims should be allowable over the cited reference.

Dependent claims 2, 4, 6-10, 12-14, 16-17, 19, 21-23, 25, and 27 are ultimately dependent from at least one of the amended independent claims, for which arguments of patentability have been provided above. If the underlying amended independent claims are in condition for allowance, the corresponding dependent claims should also be in condition for allowance.

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### **CONCLUSION**

It is not believed that extensions of time or fees for addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

Respectfully submitted,

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